

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-8, and 10-13 are pending in the present application, Claims 1, 2, and 5-7 having been amended. Claim 7 is amended to correct a grammatical informality, and Claims 1, 2, 5, and 6 are amended to change “operable to” to “configured to” as suggested by the outstanding Office Action. Claim 7 is amended to correct a minor grammatical informality. Applicant respectfully submits that no new matter is added, no new issues are raised, and no new search is required. Applicant respectfully requests that the present amendment be entered.

In the outstanding Office Action, Claim 7 was objected to; Claims 1, 2, 4-6, and 12 were rejected under 35 U.S.C. §112, second paragraph; Claims 1, 2, 4, 5, 7, 8, and 10-13 were rejected under 35 U.S.C. §103(a) as unpatentable over Endou et al. (U.S. Patent Publication No. 2002/0105541, hereinafter Endou) in view of Wolff (U.S. Patent No. 5,847,708); and Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Endou in view of Wolff, and further in view of *A Self-Organizing Semantic Map for Information Retrieval*, by Xin Lin (hereinafter Lin).

Applicant respectfully submits that the outstanding Office Action has been improperly labeled a “final rejection” because it contains a new ground of rejection as to Claims 1, 2, 4-6, and 12 not necessitated by Applicant’s amendment. Particularly, the new ground of rejection not necessitated by Applicant’s amendment is the rejection under 35 U.S.C. §112, second paragraph. In this regard, the language that has been asserted to be indefinite is not amended claim language. The claims that were the basis of the previous Office Action mailed October 16, 2006 recited “operable to.” It is only now that claims reciting “operable to” are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Accordingly, the finality of the

outstanding Action is contrary to the policy set forth in MPEP §706.07(a) and is respectfully requested to be withdrawn along with granting the entry of the present amendment.

Claim 7 is amended, as suggested in the outstanding Office Action, to overcome the objection to Claim 7.

With respect to the rejection under 35 U.S.C. §112, second paragraph, the claims are amended to change “operable to” to “configured to,” as suggested by the outstanding Office Action. Applicant respectfully requests that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

With respect to the rejection of Claim 1 as unpatentable over Endou in view of Wolff, Applicant respectfully traverses this ground of rejection. Claim 1 recites, *inter alia*,

a search processor configured
to form a color histogram of the user selected video
image,
to generate a user defined feature vector from the user
selected video image using the color histogram,
to search the set of information items by applying the
user defined feature vector to the input of the self-organizing
map to identify information items which include video images
having color histograms corresponding to that of the user
defined video image, and
to perform a related search with respect to the user
selected video image by identifying, from the self-organizing
map, information items which correspond to positions in the
array which are neighbouring positions with respect to the
array position corresponding to the user selected video image.

Endou and Wolff, taken alone or in proper combination, do not disclose or suggest these elements of Claim 1.

Endou describes organizing information items, which include video images, on the basis of color histogram information generated from the video images. However, Endou does not disclose or suggest searching for information items, which correspond to a user selected

information item based on color histogram information of a representative image of those information items. Endou merely describes using the color histogram information of an information set as one axis of a display space onto which to map those information items. Endou does not “form a color histogram of the user selected video image.” Paragraphs [0063] and [0064] of Endou merely describe that a color histogram is set as an axis of a display space, which allows information to be arranged according to color.

The outstanding Office Action takes the position that paragraph [0067] of Endou discloses the claimed “to generate a user defined feature vector from the user selected video image using the color histogram.” However, paragraph [0067] of Endou merely describes assigning a combination of feature values to a same axis of a display space. The discussion in paragraph [0067] of Endou about a color histogram is in regards to combining the color histogram with a specific word to form a combined axis for the display space. Paragraph [0067] does not describe generating a user defined feature vector from the user selected video image using the color histogram.

Furthermore, Endou does not search the set of information items by applying the user defined feature vector to the input of the self-organizing map to identify information items which include video image having color histograms corresponding to that of the user defined video image. In the third embodiment of Endou, the multimedia information arranging apparatus utilizes a self-organizing map in order to arrange the information set in an arrangement space based on the feature value of the multimedia information by the information set arranging portion. Thus, in correspondence with the first embodiment, the information items are displayed in accordance with a three dimensional space where each dimension corresponds, respectively, to a key-word search, color histogram information of images, and wavelet transform co-efficient.¹ In the second embodiment of Endou, the

¹ Endou, paragraphs [0070]-[0074].

multimedia information arranging apparatus collects pieces of media information including the image information, the text information, and the audio information, and groups these information items together so as to generate information sets, as a pre-processing operation before arranging the information sets in the vector space according to the first embodiment.

Thus, Endou does not disclose or suggest searching for information items based on a user selected video image. Endou merely describes arranging information items in a display space.

Thus, Endou does not disclose or suggest the claimed

a search processor configured

to form a color histogram of the user selected video image,

to generate a user defined feature vector from the user selected video image using the color histogram,

to search the set of information items by applying the user defined feature vector to the input of the self-organizing map to identify information items which include video images having color histograms corresponding to that of the user defined video image, and

to perform a related search with respect to the user selected video image by identifying, from the self-organizing map, information items which correspond to positions in the array which are neighbouring positions with respect to the array position corresponding to the user selected video image.

The outstanding Office Action concedes that Endou does not disclose or suggest the claimed “to perform a related search with respect to the user selected video image by identifying, from the self-organizing map, information items which correspond to positions in the array which are neighbouring positions with respect to the array position corresponding to the user selected video image.”²

² Office Action, pages 5-6.

Wolff does not cure the above-noted deficiencies in Endou. Wolff does not disclose or suggest generating a related search based on information items which are related to the video image which has been selected and based on color histogram information of the image concerned.

In view of the above-noted distinctions, Applicant respectfully submits that a person of ordinary skill in the art could not properly combine Endou and Wolff to arrive at the claimed invention.

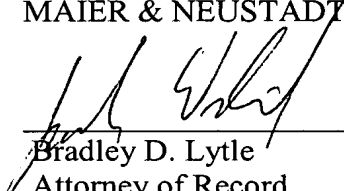
Applicant respectfully submits that Claim 1 (and any claims dependent thereon) patentably distinguish over Endou and Wolff, taken alone or in proper combination. Amended Claim 7 recites elements similar to those of Claim 1. Applicant respectfully submits that Claim 7 (and any claims dependent thereon) patentably distinguish over Endou and Wolff, taken alone or in proper combination, for at least the reasons stated for Claim 1.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Lin can overcome the above-noted deficiencies of Endou and Wolff. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph Wrkich
Registration No. 53,796